

## Hingtgen, Robert J

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**From:** Hingtgen, Robert J  
**Sent:** Tuesday, April 09, 2013 10:01 AM  
**To:** 'Donna Tisdale'  
**Subject:** RE: Sotiec update?  
**Attachments:** Live Oak Notice 2.pdf.pdf  
  
**Expires:** Friday, April 07, 2023 12:00 AM

Hi Donna,

I'm asking questions and waiting for additional information regarding the Live Oak Springs water source and to what degree we will review that as part of the Soitec project, assuming Soitec will propose obtaining water from that source. I hope to have more information for you later.

I've also attached a more recent NOV regarding Live Oak Springs for your reference.

Thanks,

**Robert Hingtgen**, Planner III  
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**From:** Donna Tisdale [<mailto:tisdale.donna@gmail.com>]  
**Sent:** Monday, April 08, 2013 4:33 PM  
**To:** Hingtgen, Robert J  
**Subject:** Re: Sotiec update?

Thanks Robert!

Do you know if Soitec / Jim Whalen are conducting the Source Capacity Study for the Live Oak Springs water source for their projects?

Trey Driscoll, Dudek, is working on that Live Oak study and on the Soitec Solar projects.

Live Oak Springs bulk water sales have been the subject of litigation with County agencies and now the CPUC Division of Water Audits.

See attached Notice of Violation dated 3-21-13. Did I send that before?

Donna



March 28, 2013

Nazar Najor  
Live Oak Springs  
37820 Old Highway 80  
P.O. Box 1241  
Boulevard, CA 91905

### Notice of Violation

Live Oak Springs has violated the California Public Utilities Commission's (CPUC) Rules and Regulations per Resolution (Res.) W-4799 dated October 2009 by selling trucked water without permission to Straub Construction in the year 2011 for use at a Department of the Army site.

These were violations of General Order (GO) 103-A Section II § B (1) in that the water supplied was not from a permitted source. Mr. Najor stated that 3,424,627 + 2,424,627 gallons of water were trucked from Live Oak Springs. Evidence of trucking during a typical week in 2001 indicates that an average of 45,750 gallons per day were taken from the utility in 3,000 gallon capacity trucks. This amounts to 135 days of violations.

Res. W-4799 allows CPUC Division of Water and Audits (DWA) to impose a fine of \$500 per violation. This amounts to a fine of  $135 \times \$500 = \$67,500$ .

The evidence that Live Oak Springs had been selling this trucked water was provided by Nazar Najor on November 21, 2012 in answer to a data request by Kayode Kajopaiye for CPUC Investigation I.12-08-004. Mr. Najor has admitted that he had not obtained written approval from the CPUC to truck water, but instead acted on verbal approval which is untrue, unallowable and unverified.

Res. W-4799 allows DWA to provide prior written notice to cure or informally contest a violation and proposed penalty amount before a citation is issued. Since this was past activity there is no period for which the company can come into compliance.

Service of this Notice of Violation is by first-class mail. An appeal may be brought by serving a Notice of Appeal upon Staff, who is Albert Schiff, and the Respondent shall indicate the grounds for the appeal in the notice. Details of the appeal process are contained in Res. W-4799 which has already been provided to Mr. Najor.

A handwritten signature in blue ink that reads "Albert Schiff".

Albert Schiff  
Division of Water and Audits